

**City of Prospect Heights
Plan/Zoning Board of Appeals
January 29, 2025**

I. MEETING COMMENCEMENT:

The regular meeting of the Plan/Zoning Board of Appeals was called to order at 7:00 pm by Chairman Kempa, at City Hall, 8 N. Elmhurst Road, in Prospect Heights, Illinois.

II. ROLL CALL:

Present: Chairman Kempa, Commissioners DeGraf, Patel, Saewert and Mishevski

Absent: Commissioner Simmons and Rygiel absent by prior notice

Quorum is present.

Present at the meeting: Director of Building & Development Daniel A. Peterson and
Recording Secretary: Jenn Myzia

Pledge of Allegiance

III. APPROVAL OF November 20, 2024 MINUTES

Motion made by Commissioner Saewert seconded by Commissioner DeGraf to approve the meeting minutes with corrections.

ROLL CALL VOTE:

AYES: Commissioners Rygiel, Simmons, Mishevski, Patel, Saewert and Chairman Kempa

NAYS:

ABSENT: Commissioners Simmons and Rygiel

ABSTAIN: Commissioner DeGraf

Motion carried 4:0:2:1

IV. Old Business:

1. PZBA Case No. 24-13 V – Public Hearing Corner Side Yard Variation

Applicant: Michaelangelo Monterrosa

Address: 1 E. Willow Rd., Prospect Heights, IL 60070

Description of Request: Applicant is seeking to amend the approved conditions of variation Ordinance #O-08-33 to increase the height of the fence from 4' to 6'; and change the material from cedar/chain-link to solid white vinyl and maintain the approved 25' corner side yard setback encroachment per Section 5-3-4 H1f(2) of the City of Prospect heights Zoning Code.

Chairman Kempa requests a motion to re-open the public meeting for 24-13 V at 7:02 pm

Motion by Commissioner Patel

Second by Commissioner DeGraf

VOICE VOTE:

AYES: Commissioners DeGraf, Patel, Mishevski, Saewert and Chairman Kempa

NAYS:

ABSENT: Commissioners Simmons & Rygiel

ABSTAIN:
Approved: 5:0

Director Peterson describes the request for continuance was for the applicant to research additional details suggested by the board and that the applicant has submitted a revised plat of survey and a brochure highlighting the various color potentials.

Michaelangelo Monterrosa – 1 E. Willow Rd. Place Prospect Heights, IL 60070, presents samples of the fence colors. The applicant states he is willing to pay the additional cost for a more suitable color. Mr. Monterrosa continues to describe his reasonings for the request.

Chairman Kempa confirms with Director Peterson if the applicant wanted to replace the fence in kind there would be no need for this request.

Director Peterson confirms and continues to state the yard in a non-conforming lot being only 90 ft in width not 100 ft in width, however it is 279 ft in length rather than 200 ft in length and therefor meets the minimum lot area requirement. The original ZBA variation request was granted with the fence to the lot line in consideration of the shortened width of the property there was an approval condition of four ft in maximum heights and materials of either wood or chain link fence. Director Peterson asks do the current conditions warrant an allowance for the increase in height and the change of material.

The commissioners discuss whether the applicant could build a six ft fence and the vinyl material along the appropriate building line per ordinance without the special request.

The applicant would like the six ft fence for privacy.

The commissioners continue to discuss the merits and options of the case including but not limited to the condition of the road is elevated over the past years due to maintenance and vehicles are much higher off the road due to more SUV style versus passenger automobiles is a valid request. The opposing argument that the height and length of a six ft high, 150 ft long fence of vinyl does not fit the character of the neighborhood leading into the slough.

Chairman Kempa requests a motion to close the public hearing for 24-13 V at 7:34 pm
Motion by Commissioner Saewert
Second by Commissioner DeGraf

ROLL CALL VOTE:

AYES: Commissioners Patel, Saewert, Mishevski, DeGraf and Chairman Kempa

NAYS:

ABSENT: Commissioners Simmons and Rygiel

ABSTAIN:

Approved 4:0

The commissioners discuss the case and options and the suggestion that along Willow Rd. the six ft vinyl fence in the clay color is three ft off the property line require planting that will cover 50% up to five ft from the oak tree stump, bring the fence to the property line until the rear property line.

The applicant is agreeable to this suggestion.

Chairman Kempa requests a motion to enter into evidence presented this evening for case 24-13 V including exhibit 11 which are samples of the fence colors.

Motion by Commissioner Patel
Second by Commissioner Saewert

ROLL CALL:

AYES: Commissioners Mishevski, Saewert, DeGraf, Patel & Chairman Kempa

NAYS:

ABSENT: Commissioner Simmons and Rygiel

ABSTAIN:

Approved 5:0:2:0

Chairman Kempa requests a motion to recommend that City Council approve case 24-13 V allowing a fence with the condition the fence is moved three ft into the yard from the property line until five ft from the tree stump which the fence may go to the property line continuing along the property line up to the back property line with 50 per cent coverage of landscaping along the greater length of the fence to the tree stump section and must be the clay color vinyl fencing as presented from exhibit 11.

Motion by Commissioner DeGraf
Second by Commissioner Patel

ROLL CALL:

AYES: Commissioners Patel, Mishevski & Chairman Kempa

NAYS: Commissioners Saewert and DeGraf

ABSENT: Commissioners Simmons and Rygiel

ABSTAIN:

Approved 3:2:2:0

This case will be presented to City Council on February 10, 2025

V. New Business:

1. PZBA Case No. 25-01 SU – Public Hearing

Applicant: Maria Gonzalez

Address: 1209 B N. Elmhurst Rd., Prospect Heights, IL 60070

Description of Request: Applicant is requesting a Special Use Permit for a 1,050 sq. ft. sit down restaurant in the B-1 Zoning District per 5-7-2 C of the City of Prospect Heights Zoning Code.

Chairman Kempa requests a motion to open the public meeting for 25-01 SU at 7:41 pm

Motion by Commissioner Patel

Second by Commissioner DeGraf

VOICE VOTE:

AYES: Commissioners DeGraf, Patel, Mishevski, Saewert and Chairman Kempa

NAYS:

ABSENT: Commissioners Simmons & Rygiel

ABSTAIN:

Approved: 5:0

Chairman Kempa swears in all wanting to testify for case 25-01 SU.

Maria Gonzalez 1209 B N Elmhurst Rd Prospect Heights – states her husband is a chef with 25 years' experience and they would like to start their own Mexican restaurant at this location. The intention is to provide a family restaurant with no alcohol. They will offer lunch specials for the high school down the street and Taco Tuesday offerings. There will be limited seating with the focus on the majority being take-out orders. The hours operation will be 9 am – 8:30 pm.

Chairman Kempa requests a motion to close the public hearing for 25-01 SU at 7:47 pm

Motion by Commissioner Patel

Second by Commissioner Saewert

ROLL CALL VOTE:

AYES: Commissioners Mishevski, DeGraf, Patel, Saewert and Chairman Kempa

NAYS:

ABSENT: Commissioners Simmons and Rygiel

ABSTAIN:

Approved 5:0

The commissioners discuss the case.

Chairman Kempa requests a motion to enter into evidence presented this evening for case 25-01 SU.

Motion by Commissioner Saewert

Second by Commissioner Mishevski

ROLL CALL:

AYES: Commissioners Patel, Mishevski, Saewert, DeGraf and Chairman Kempa

NAYS:

ABSENT: Commissioner Simmons and Rygiel

ABSTAIN:

Approved 5:0:2:0

Chairman Kempa requests a motion to recommend that City Council approve case 25-01 SU allowing a Special Use Permit for a 1,050 sq. ft. sit down restaurant in the B-1 Zoning District per 5-7-2 C of the City of Prospect Heights Zoning Code.

Motion by Commissioner Patel

Second by Commissioner DeGraf

ROLL CALL:

AYES: Commissioners Saewert, Mishevski, DeGraf, Patel and Chairman Kempa

NAYS:

ABSENT: Commissioners Simmons and Rygiel

ABSTAIN:

Approved 5:0:0:0

This case will be presented to City Council on February 10, 2025

2. PZBA Case No. 25-02 V/SU – Public Hearing

Applicant: Prospect Heights Fire District, chief Smith

Address: 10 E. Camp McDonald Rd., Prospect Heights, IL 60070

Description of Request: Consideration of an expansion of the Special Use of the fire station per 5-6-1 B Special Use; and Variations to Section 5-6-1 E Yard Areas to reduce the required yards and 5-8-6 Table of Off Street Parking for a reduction in the minimum required parking spaces to construct an addition and remodeling of the Prospect Heights Fire Protection District fire station legal non-confirming property in the City's R-1 Singel Family Residential District.

Chairman Kempa requests a motion to open the public meeting for 25-02 V/SU at 7:50 pm
Motion by Commissioner Patel
Second by Commissioner Saewert

VOICE VOTE:

AYES: Commissioners Mishevski, Patel, DeGraf, Saewert and Chairman Kempa

NAYS:

ABSENT: Commissioners Simmons and Rygiel

ABSTAIN:

Approved: 5:0

Chairman Kempa swears in the applicant.

Jamie Zara – Architect representing the Prospect Heights Fire District, 106 Calendar Ct 131 LaGrange, IL

Drew Smith – Fire Chief, 10 E Camp McDonald Rd

Architect Zara presents the suggested renovation plans.

Chief Smith gives a brief history of the current station and the needs of the past compared to the needs of the present.

The commissioners ask questions of the applicants.

Scott Lehor – 9 E Clarendon, states his property is directly to the north of the fire station and receives some back splash of light into his house if the drapes are not closed. He asks for consideration with the lighting and blocking any lighting from entering his backyard. He asks if there is a possibility to make the current fence higher as the proposed entrance is moving from the front of the building to the back of the building.

The commissioners continue discussion and questions with the applicants.

Chairman Kempa requests a motion to close the public hearing for 25-02 V/SU at 8:33 pm
Motion by Commissioner DeGraf
Second by Commissioner Patel

ROLL CALL VOTE:

AYES: Commissioners DeGraf, Patel, Mishevski, Saewert and Chairman Kempa

NAYS:

ABSENT: Commissioners Simmons and Rygiel

ABSTAIN:

Approved 5:0

The commissioners discuss the case.

Commissioner Patel requests there be a stipulation added in regard to the lighting being downlighting toward the building and controlled by motion detection.

Director Peterson comments the lighting will have to be code compliant and discussed potential concerns of lowered lighting.

Chairman Kempa requests a second condition in regard to a parking agreement between the Fire district and the Police Department.

Chairman Kempa requests a motion to accept into public record the testimony presented this evening for case 25-02 V/SU.

Motion by Commissioner Patel
Second by Commissioner Saewert

ROLL CALL:

AYES: Commissioners Saewert, Patel, DeGraf, Mishevski and Chairman Kempa

NAYS:

ABSENT: Commissioner Simmons and Rygiel

ABSTAIN:

Approved 5:0:2:0

Chairman Kempa requests a motion to recommend that City Council approve case 25-02 SU/V for the variation request to Section 5-6-1 E5 to allow a reduction in the required rear yard from 50' to 45' 11" along the north property line and to Section 5-6-1 E2. to reduce the required east interior side yard from 15' to 7.66' of the Prospect Heights Fire Protection District fire station legal non-confirming property in the City's R-1 Singel Family Residential District

Motion by Commissioner Patel
Second by Commissioner DeGraf

ROLL CALL:

AYES: Commissioners Patel, Mishevski, Saewert, DeGraf and Chairman Kempa

NAYS:

ABSENT: Commissioner Simmons and Rygiel

ABSTAIN:

Approved 5:0:2:0

Chairman Kempa requests a motion to recommend that City Council approve case 25-02 SU/V for the variation to Section 5-8-6 Schedule Parking to allow a reduction of required parking from 27 spaces to 9 with the condition that the light on the North elevation of the building be kept at minimum required to prevent glare into the neighboring residential area and a second condition in regard to the parking agreement between the City of Prospect Heights and the Prospect heights Fire District.

Motion by Commissioner Saewert
Second by Commissioner Patel

ROLL CALL:

AYES: Commissioners DeGraf, Saewert, Mishevski, Patel and Chairman Kempa

NAYS:

ABSENT: Commissioner Simmons and Rygiel

ABSTAIN:

Approved 5:0:2:0

This case will be presented to City Council on February 10, 2025

VI. Public Comment – Non-Agenda Items

VII. Previous Application Updates

1. Peri Peri is open
2. Cell tower at 10 E Camp McDonald
3. Chickens

VIII. Communications – no meeting in February

IX. Adjournment

Chairman Kempa requests a motion to adjourn at 8:51 pm

Motion by Commissioner DeGraf

Second by Commissioner Patel

VOICE VOTE:

AYES: Commissioners Mishevski, Patel, DeGraf, Saewert and Chairman Kempa

NAYS:

ABSENT: Commissioners Simmons and Rygiel

ABSTAIN:

Approved: 5:0